

AN ORDINANCE TO ESTABLISH A COUNTY PLANNING COMMISSION

An ordinance to provide for the Franklin County Planning Commission and to repeal all conflicting ordinances.

LEGISLATIVE AUTHORITY

It is ordained by the County Commission of Franklin County, Georgia that the Franklin County Planning Commission is hereby created and established as authorized by the Constitution of the State of Georgia (Article IX, Section IV, Paragraph II of the Constitution of the State of Georgia – Section 2-6102 of the Code of Georgia), in which counties in the State of Georgia are authorized to exercise powers of planning and zoning.

The County Commission of Franklin County, Georgia is authorized by an Act of the General Assembly of 1977 (Georgia Law 1977, pp.4033-4036) to make the violation of certain of its resolutions a misdemeanor.

PURPOSE

The Franklin County Planning Commission is created in order to guide and bring about a coordinated and harmonious development of the county which will, in accordance with existing and future needs, best promote the public health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

METHOD OF REGULATION

The County Commission of Franklin County does hereby establish the Franklin County Planning Commission for the following purposes: to define certain words herein; to create zone boundaries; to regulate the locations of trades, professions, business, industries, apartment houses, residences; to define the area of lots; to fix the location and size of yards and the

alignment of buildings; to establish setback lines; to provide for nonconforming uses; to provide for the administration and enforcement thereof together with penalties for the violation of its provisions; to adopt a map or maps or any section or sections thereof for zoning purposes of the unincorporated areas of Franklin County, Georgia; to authorize special exceptions and conditional uses; and to provide for court review.

MEMBERSHIP

The Franklin County Planning Commission shall be appointed by the Franklin County Board of Commissioners and shall consist of five members who are residents of Franklin County. The terms of the members shall be for five years and shall be staggered to insure that new members are always working with more experienced members. However those currently serving on the Planning Commission shall serve until the following dates:

District 1- Jan. 26, 2001
District 3- Jan. 26, 2002
At large - Jan. 26, 2003
District 2- Jan. 26, 2004
District 4- Jan. 26, 2005

Thereafter, members shall be appointed for a 5-year term. Any vacancy in membership shall be filled for the unexpired term, by the County Commission, which also has the authority to remove any member for cause, on written charges, after a public hearing. The unexcused absence of a planning commission member from three consecutive regularly scheduled meetings without prior notice to the chairman of the planning commission shall terminate said member's appointment. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

ORGANIZATION

The Planning Commission shall elect its Chairman from among its members. The term of the chairman shall be one year with eligibility for re-election. The Planning Commission shall appoint a Secretary, who may be an officer or employee of the county. The planning Commission shall make its own rules of procedure and determine its time of meeting. All meetings of the Planning Commission, at which official action is taken, shall be open to the public and all records of the Planning Commission shall be a public record.

The Planning Commission may appoint employees and staff that are necessary for its work, and may contract with public and private consultants for services that it requires. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the County Commission.

POWERS AND DUTIES

The Franklin County Planning Commission shall have all the powers, duties and responsibilities set forth in Article IX, Section IV, Paragraph II of the Constitution of the State of Georgia (Code Section 2-6102).

These powers and duties include the following:

- A. To accept applications, make findings and recommendations at a public hearing for all amendments to the zoning regulations and subdivision regulations and forward said recommendations to the county board of commissioners;
- B. To grant application for all conditional uses, site plan review as specified by the zoning regulations and subdivision regulations and uses subject to the approval of the planning commission, provided that the standards and requirements of said regulations are met. If a public hearing is required by said regulations for a

particular use or amendment, a sign shall be posted at least fifteen days prior to said public hearing in a conspicuous place on the property and shall state the nature of the request and the time and place of said public hearing. Further, the staff shall notify each adjoining property owner of the address, as shown by records of the board of tax assessors, by mail postmarked at least five days prior to said planning commission hearing on the application;

- C. To review preliminary subdivision plats and grant development approval for same when the requirements of said regulations have been met;
- D. To review final subdivision plats and grant recording and approval permits for subdivision when the requirements of said regulations have been met;
- E. To review soil erosion and sediment control applications and grant a grading permit for same when the requirements of said regulations have been met;
- F. To initiate, direct and review from time to time a study of the provisions of said regulations and to make reports of its findings and recommendations as to amendments to the board of commissioners of the county;
- G. To investigate and make recommendations in the county commission regarding the acceptance and classification of county roads;
- H. To accept and determine requests regarding unclassified uses in said regulations;
- I. To hear and take action on appeals of determinations and decisions made by the planning department as specified by these regulations;
- J. The planning commission shall make such determinations, shall investigate such matters relating to the planning and development of the county and take such action as required by resolution and the laws of the state.

ACTIONS BY THE PLANNING COMMISSION

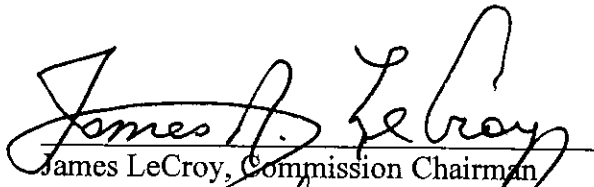
In all actions or decision of the planning commission, at least three members must concur. Each official action, with the full text of the motion and record of members' votes, shall be incorporated in the minutes of the planning commission. If an application for a conditional use or a use permitted subject to approval of the planning commission is denied by the planning commission, then the same property may not again be considered for any zoning application and no application shall be filed until the expiration of at least one year immediately following the denial of the application and may not be considered for an application of the same type, and no application shall be filed (conditional use, etc.) until the expiration of at least one year immediately following the denial of the application.

CONFLICT

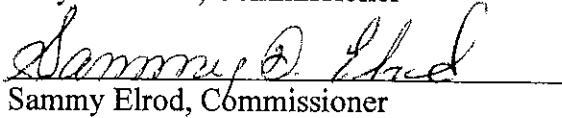
All ordinances in conflict with this ordinance are hereby repealed.

Adopted: 11-16-98


ATTEST:


James LeCroy, Commission Chairman


Billy Atkinson, Commissioner


Sammy Elrod, Commissioner


Bob Fitzpatrick, Commissioner


Ben Johnson III, Commissioner

**A RESOLUTION BY
THE FRANKLIN COUNTY BOARD OF COMMISSIONERS
FRANKLIN COUNTY, GEORGIA**

WHEREAS, the Franklin County Board of Commissioners is the governing authority of Franklin County, Georgia; and

WHEREAS, Section 2-124 of the Code of Ordinances, Franklin County, Georgia provides for staggered terms for members of the Planning Commission; and,

WHEREAS, effective January 26, 2006 the Board of Commissioners appointed all new Planning Commission members for each district; and,

WHEREAS, the Board of Commissioners desires to provide clarification regarding the terms of current members of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Franklin County that the terms of the Planning Commission members shall be as follows, in accordance with Section 2-124 of the Code of Ordinances, Franklin County, Georgia:

District 1: The current term began with the January 26, 2006 appointment and shall end on January 26, 2011. Thereafter, all subsequent terms shall continue to be five (5) years in duration.

District 3: The prior term ended on January 26, 2007, and the current term shall end on January 26, 2012. The individual appointed January 26, 2006 shall be deemed to have been reappointed effective January 26, 2007 for a five-year term, *nunc pro tunc*, said term to expire on January 26, 2012. Thereafter, all subsequent terms shall continue to be five (5) years in duration.

At Large: The current term shall end on January 26, 2008, and the subsequent term shall end on January 26, 2013. The individual appointed January 26, 2006 shall be deemed to have been appointed to fill the unexpired term ending January 26, 2008. Thereafter, all subsequent terms shall continue to be five (5) years in duration.

District 2: The current term shall end on January 26, 2009, and the subsequent term shall end on January 26, 2014. The individual appointed January 26, 2006 shall be deemed to have been appointed to fill the unexpired term ending January 26, 2009. Thereafter, all subsequent terms shall continue to be five (5) years in duration.

District 4: The current term shall end on January 26, 2010, and the subsequent term shall end on January 26, 2015. The individual appointed January 26, 2006 shall be deemed to have been appointed to fill the unexpired term ending January 26, 2010. Thereafter, all subsequent terms shall continue to be five (5) years in duration.

Duly adopted this 4th day of June, 2007.

**FRANKLIN COUNTY BOARD
OF COMMISSIONERS**

Sam Elrod, Chairman

Robert Franklin, District 1

Eddie Wayne Grizzle, District 2

Jeff Jacques, District 3

Levy Moore, District 4

Attest:

Laverne D. Hilley
Clerk